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Applied Micro Circuits Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LEON S. SEGEN, derivatively on behalf of
APPLIED MICRO CIRCUITS
CORPORATION, INC.,

Plaintiff

v.

DAVID M. RICKEY, WILLIAM E. BENDUSH,
and APPLIED MICRO CIRCUITS
CORPORATION,

Defendants.

CASE NO.: C 07-2917 MJJ

**[PROPOSED] ORDER GRANTING
NOMINAL DEFENDANT APPLIED
MICRO CIRCUITS
CORPORATION'S MOTION TO
DISMISS COMPLAINT**

DATE: November 27, 2007

TIME: 9:30 a.m.

COURTROOM: 11

JUDGE: Honorable Martin J. Jenkins

Action Filed: June 5, 2007

Trial Date: Not Set

1 Nominal Defendant Applied Micro Circuits Corporation (“AMCC”) has moved this Court
2 for an order dismissing plaintiff’s Complaint pursuant to Federal Rules of Civil Procedure 8(a),
3 9(b) and 12(b)(6).

4 The Court, having considered the briefs and other documents in support of and in
5 opposition to the motion, having heard the arguments of counsel and being fully advised in this
6 matter, finds as follows:

7 IT IS HEREBY ORDERED that AMCC’s Motion to Dismiss is GRANTED in its entirety,
8 and that the Complaint is dismissed with prejudice and without leave to amend.

9 IT IS SO ORDERED.

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11 Dated: _____

12 THE HONORABLE MARTIN J. JENKINS
13 United States District Judge
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